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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,015	08/07/2001	Tsuyoshi Kimura	450100-03387	1973

20999 7590 04/07/2005

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

SENF1, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,015

Applicant(s)

KIMURA, TSUYOSHI

Examiner

Behrooz Senfi

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al (US 2001/0043751).

Regarding claims 1, 9 and 15, Takahashi '751 discloses, "an image processing Apparatus" (i.e. fig. 1), and "hierarchy encoding means" (i.e. fig. 12, 103) and "for encoding a specific hierarchy image data item, among image data items in respective hierarchies produced by dividing image data to be encoded, by performing an encoding process for an intra picture, or an encoding process for a non-intra picture" (i.e. fig. 12, Sg) and "control means for controlling the encoding process" (i.e. fig. 12, 29a) and "when the encoding process for the intra picture is to be performed (fig. 12, page 15, sections 0223 – 0227) the specific hierarchy encoding means performs the encoding process for the intra picture after subtracting reference data having a value other than Zero from the specific hierarchy image data item" reads on (i.e. fig. 1, wherein the intra picture Sg being encoded (110) after subtraction of (101a) which actually is a reference data, that is not zero), and the "decoding means, in claim 9) reads on (i.e. fig. 8) and

“determination means for intra encoding process and non-intra encoding process” reads on (i.e. fig. 12, 29a) .

Regarding claims 2 – 4, 11, 16 and 17, “multiplexing means for multiplexing” reads on (i.e. figs 5 and 17) and “storage means for storing the reference data” is inherent, since the reference data has to be stored some where, to be used in hierarchy encoding process.

Regarding claims 5, 12, 18 and 21, the claimed “image data items in hierarchies include a basic hierarchy image data item and a higher hierarchy image data item obtained by subtracting the basic hierarchy image from the image data to be encoded” reads on (i.e. fig. 1, base “low resolution” and enhancement “high resolution”).

Regarding claim 6, Takahashi '751 discloses “higher hierarchy encoding means for encoding the higher hierarchy image data item by performing the encoding process” (i.e. figs. 1 and 12) and “when the encoding process for the intra picture is to be performed, the higher hierarchy encoding means performs the encoding process for the intra picture without subtracting the reference data from the specific hierarchy image data” (i.e. page 2, section 0020).

Regarding claims 7, 10 and 20, the claimed “division means for dividing the image data to be encoded” is an inherent features in hierarchy encoding process, and “separation means for separating the specific hierarchy encoded data item and the reference, in claims 10 and 20) (i.e. fig. 1, 31).

Regarding claim 8, the limitations as claimed are substantially similar to claim 1; therefore the grounds for rejecting claim 1 also applies here.

Regarding claims 13 and 22, the limitations claimed are substantially similar to claim 6, except is the reverse (decoding) process of the hierarchy image encoding process. Therefore, the ground for rejecting claim 6 also applies here, since (fig. 15) is a reverse/decoding process of the hierarchy image encoding process of fig. 12.

Regarding claims 14 and 23, the limitations as claimed pertains to decoding means for reverse processing of hierarchical encoding of the image data in claim 12, thus reads on Takahashi '751 (i.e. fig. 15).

Regarding claim 19, the limitations claimed are substantially similar to claim 9 and are the method of apparatus in claim 9. Therefore the ground for rejecting claim 9 also applies here.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571)272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(571)272-7331**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314

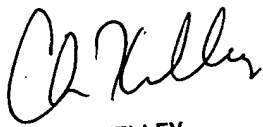
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. P.

3/26/2005


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600